

## UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

**SENTENCING MINUTE SHEET**

CR No.	05-1849 JH			USA vs.	Swentnickas		
Date:	September 14, 2009			Name of Deft:	Benjamin Swentnickas		
Before the Honorable				Judith C. Herrera			
Time In/Out:	10:03 am -10:06 am 11:32 am -11:43 am (14 mintues)			Type of Proceeding:	Sentencing -Non-Evidentiary		
Clerk:	I. Duran			Court Reporter:	P. Baca		
AUSA:	Steve Kotz			Defendant's Counsel:	Chales N. Fisher & Gregory D. D'Antonio		
Sentencing in:	Albuquerque, New Mexico			Interpreter:	None		
Probation Officer:	Anthony Galaz			Sworn?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
Convicted on:	<input checked="" type="checkbox"/>	Plea	<input type="checkbox"/>	Verdict	As to:	<input checked="" type="checkbox"/>	Information
If Plea:	<input checked="" type="checkbox"/>	Accepted	<input type="checkbox"/>	Not Accepted	Adjudged/Found Guilty on Counts:		
Date of Plea/Verdict:	1/25/07			PSR:	<input checked="" type="checkbox"/>	Not Disputed	<input type="checkbox"/> Disputed
PSR:	<input checked="" type="checkbox"/>	Court Adopts PSR Findings			Evidentiary Hearing:	<input checked="" type="checkbox"/>	Not Needed
Exceptions to PSR:							
<b>SENTENCE IMPOSED</b>				Imprisonment (BOP): 87 months			
Supervised Release:	5 years			Probation:	<input checked="" type="checkbox"/>	500-Hour Drug Program	
<b>SPECIAL CONDITIONS OF SUPERVISION</b>							
<input type="checkbox"/>	No re-entry without legal authorization			<input type="checkbox"/>	Home confinement for _____ months _____ days		
<input type="checkbox"/>	Comply with ICE laws and regulations			<input type="checkbox"/>	Community service for _____ months _____ days		
<input type="checkbox"/>	ICE to begin removal immediately or during sentence			<input type="checkbox"/>	Reside halfway house _____ months _____ days		
<input checked="" type="checkbox"/>	Participate in substance abuse program/drug testing			<input type="checkbox"/>	Register as sex offender		
<input type="checkbox"/>	Participate in mental health program			<input type="checkbox"/>	Participate in sex offender treatment program		
<input checked="" type="checkbox"/>	No alcohol/liquor establishments			<input type="checkbox"/>	Possess no sexual material		
<input checked="" type="checkbox"/>	Submit to search of person/property			<input type="checkbox"/>	No computer with access to online services		
<input checked="" type="checkbox"/>	No contact with co-Def(s)			<input type="checkbox"/>	No contact with children under 18 years		
<input type="checkbox"/>	No entering, or loitering near, victim's residence			<input type="checkbox"/>	No volunteering where children supervised		
<input type="checkbox"/>	Provide financial information			<input type="checkbox"/>	Restricted from occupation with access to children		
<input type="checkbox"/>	Grant limited waiver of confidentiality			<input type="checkbox"/>	No loitering within 100 feet of school yards		
<input checked="" type="checkbox"/>	OTHER: Standard & Mandatory Conditions: Deft shall submit to DNA collection & shall not possess any firearms						
Fine:	\$	0			Restitution:	\$	0
SPA:	\$	100 (\$100 as to each Count)			Payment Schedule:	<input checked="" type="checkbox"/>	Due Immediately
<input type="checkbox"/>	Advised of Right to Appeal			<input checked="" type="checkbox"/>	Waived Appeal Rights per Plea Agreement		
<input type="checkbox"/>	Held in Custody			<input checked="" type="checkbox"/>	Voluntary Surrender		
<input checked="" type="checkbox"/>	Recommended place(s) of incarceration:			FCI, Safford, AZ to be close to family.			
Dismissed Counts:							

OTHER COMMENTS	Defense counsel addresses Ct & remits new documents. Ct. takes recess to review new information. Ct. back in session. Ct. notes receipt of all documents in this case. Defense has no objections to PSR. Ct. accepts plea agreement under Rule 11(c)(1)( C). Defense notes those present. Deft addresses the Court. Govt. makes no comment. Probation makes no comment. Ct. has reviewed the PSR & its findings and has considered the sentencing guidelines & factors under 3553 & imposes sentence. Govt. moves to dismiss Ct. I of Indictment. Ct. grants motion.
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